

**SEMINOLE COUNTY GOVERNMENT
LAND PLANNING AGENCY / PLANNING AND ZONING COMMISSION
AGENDA MEMORANDUM**

SUBJECT: Major Revision to Preliminary Master Plan for Deep Lake PUD (Harvey Slayton and Susan Irelan, applicants)

DEPARTMENT: Planning & Development **DIVISION:** Planning

AUTHORIZED BY: Matthew West **CONTACT:** Jeff Hopper **EXT.** 7431

Agenda Date 09/04/02 **Regular** ☐ **Work Session** ☐ **Briefing** ☐
Special Hearing – 6:00 ☐ **Public Hearing – 7:00** ☒

MOTION/RECOMMENDATION:

1. APPROVAL of the requested major revision to a PUD Preliminary Master Plan for an 18.66-acre parcel located south of SR 426 and west of Deep Lake Road, Harvey Slayton and Susan Irelan, applicants.
2. DENIAL of the requested major revision to a PUD Preliminary Master Plan for an 18.66-acre parcel located south of SR 426 and west of Deep Lake Road.
3. CONTINUE the item to a time and date certain.

District 1 – Maloy

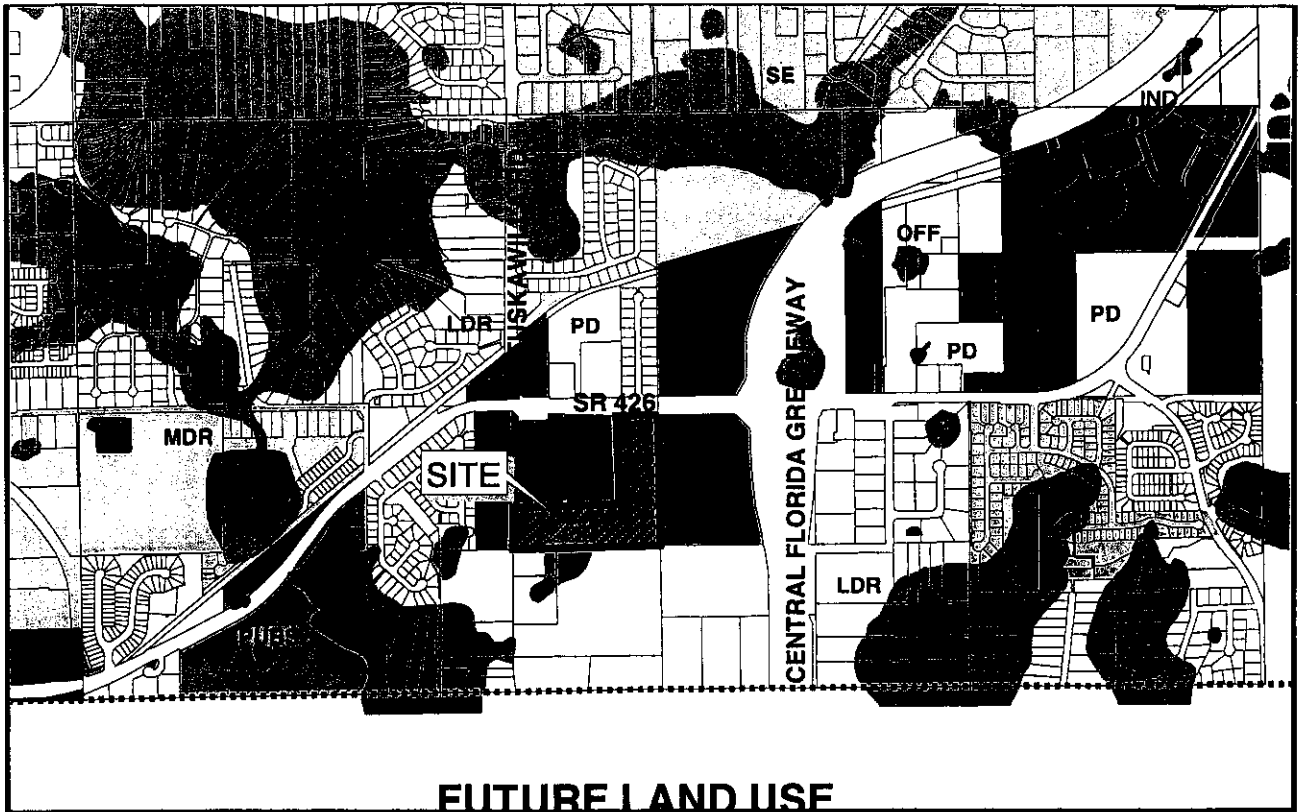
Jeff Hopper-Senior Planner

BACKGROUND:

The applicants are proposing a major change to the Preliminary Master Plan for Deep Lake PUD, approved by the Board of County Commissioners in April 2002. The requested change involves relocation of the proposed entrance road into the mixed-use project, located on 18.66 acres in the Higher Intensity Planned Development (HIP) land use designation. Also, the more recent version of the development's site plan clarifies the applicants' intentions regarding residential density in the project. Development in Deep Lake, as currently proposed, would consist of two commercial/office parcels and 180 townhomes.

Staff has no objection to the increase in density shown on the revised Preliminary Master Plan. However, staff cannot recommend the access plan since the applicant has not demonstrated that the relocation of the access to the east side of the project can be incorporated into the access plan of the adjacent property.

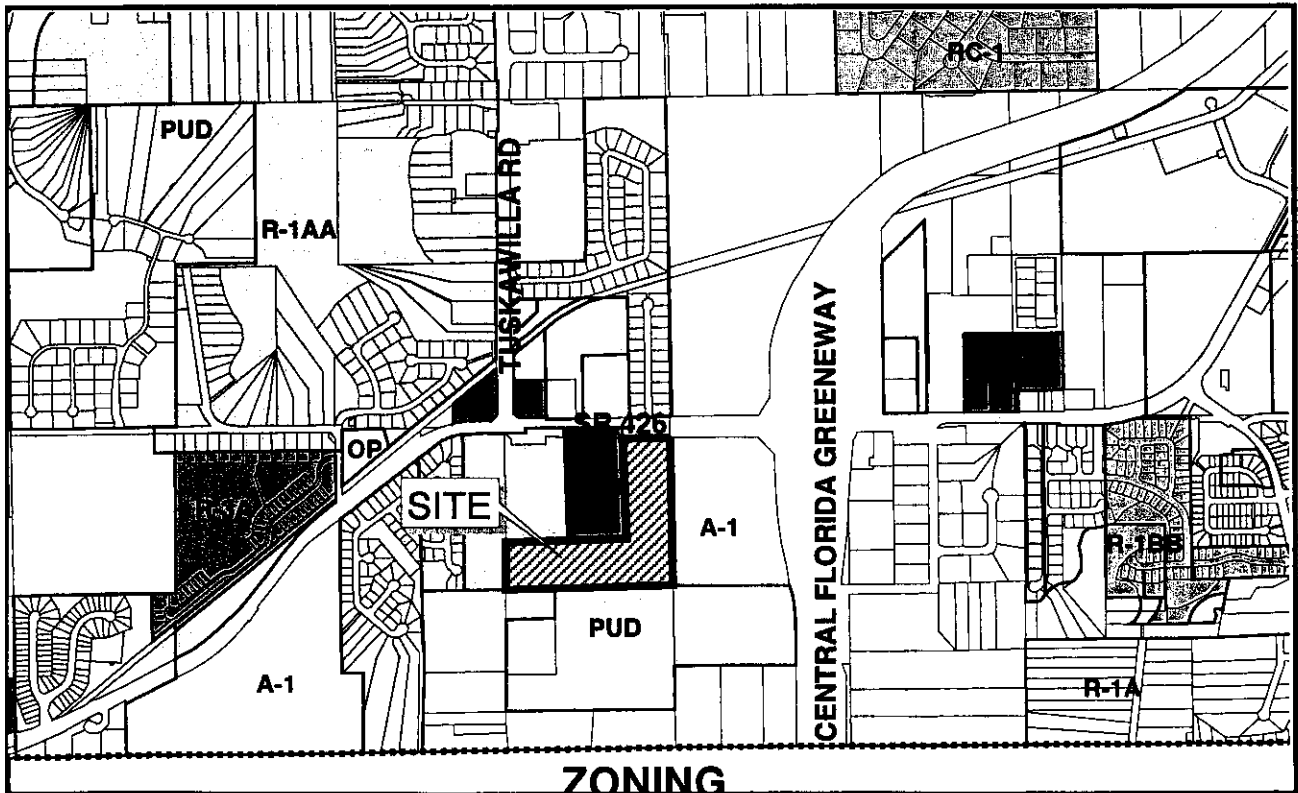
Reviewed by:
Co Atty: _____
DFS: _____
OTHER: [Signature]
DCM: _____
CM: _____
File No. Z2002-008



Site
 Municipality
 COM
 LDR
 HIP
 SE
 PD
 MDR
 OFF
 IND

Applicant: Mr. Harvey Slayton & Ms. Susan S. Irelan
 Physical STR: 36-21-30-300-0250-0000
 Gross Acres: 18.66 BCC District: 1
 Existing Use: Timberland
 Special Notes:

	Amend/ Rezone#	From	To
FLU	--	--	--
Zoning	Z2002-008	A-1	PUD



A-1
 R-1A
 R-1AA
 PUD
 OP
 PCD
 R-1BB
 R-3A
 RC-1



Rezone No. Z2002-008
From: A-1 To: PUD

☐ Subject Property
☐ Parcelbase

N



February 1999 Color Aerials

DEEP LAKE PUD

PROJECT NO. 02-028

SEMINOLE COUNTY

FLORIDA

[illegible]

LEGAL DESCRIPTION (PROVIDED BY CLIENT)

The Northeast Quarter of the Southeast Quarter of Section 36 Township 21 South, Range 30 East, Seminole County, Florida, less and except the following two parcels of land:

The West 155.5 yards (486.50 feet) of the West 3-1/2 acres (933.00 feet) of the North 381 yards (933.00 feet) of the Northeast Quarter of the Southeast Quarter of Section 36, Township 21 South, Range 30 East, Seminole County, Florida.

AND:

The East 155.5 yards (486.50 feet) of the West 3-1/2 acres (933.00 feet) of the North 381 yards (933.00 feet) of the Northeast Quarter of the Southeast Quarter of Section 36, Township 21 South, Range 30 East, Seminole County, Florida.

Further less and except that part owned by Seminole County Expressway Authority as stipulated Final Adjustment recorded February 16, 1992, in Official Records Book 2545, Page 1219, Public Records of Seminole County, Florida, described as:

That part of the Southeast 1/4 of Section 36, Township 21 South, Range 30 East, Seminole County, Florida, being more particularly described as follows:

Commence at the Northeast corner of the Southeast 1/4 of said Section 36, thence run South 00°34'41" East along the East line of said Southeast 1/4 a distance of 25.59 feet to a POINT OF BEGINNING, then east along the South right of way line of State Road 426 (Aloma Avenue) on which is State road right of way Map Section 770660-2501, said point was being 25.00 feet South of, when measured perpendicularly from the line of said 426, thence continue South 00°32'41" East a distance of 95.01 feet, thence depart and East line of the Southeast 1/4 of said Section 36, thence East a distance of 102.50 feet, thence run North 89°10'07" West a distance of 202.18 feet to a point on a line 933.00 feet East of the Southeast 1/4 of said Section 36, thence run North 00°10'00" West parallel with said West line a distance of 85.91 feet to the aforementioned South right of way line, thence North 89°14'37" East along said right of way line a distance of 336.67 feet to the POINT OF BEGINNING.

AND ALSO:

Said Northeast 1/4 of the Southeast 1/4 of the Southeast 1/4 of Section 36, Township 21 South, Range 30 East, Seminole County, Florida.

LEGEND:

- 1 Denotes utility pole
- 2 Denotes guy wire/anchor
- 3 Denotes joined one riser
- 4 Denotes overhead utility line
- 5 Denotes well
- 6 Denotes 5/8" iron rod with cap or not & dia. PS# #5633
- 7 Denotes licensed business
- PS# Denotes professional surveyor and mapper

GRAPHIC SCALE

1 INCH = 100 FT.

STATE ROAD 426 (ALOMA AVENUE)

RIGHT OF WAY BOUNDARY

NOTES

Boundaries shown herein are assumed and based on the North line of the Southeast 1/4 of Section 36, 21-51-31-38° East.

Legal descriptions shown herein was provided by the client.

There may be easements and restrictions of record and/or private agreements not attached to this survey or shown on this boundary survey that may affect property rights and/or land use rights of the subject property.

This Survey was performed by the patent of Title Commitment Number 07 307980 issued by Attorney's Title Insurance Fund, Inc., effective date 11/8/2000.

There may be unrecorded laws and/or other matters regulated by various departments of Federal, State or Local Government affecting the subject property not shown on this survey.

Subject property, shown herein is in Zones K and AE according to Flood Insurance Rate Map (FIRM) number 120288 06210 E, map date April 17, 1995.

This Survey was performed for the sole and exclusive benefit of the parties listed herein and shall not be relied upon by any other entity or individual who is not a party to this survey.

This Survey is not valid without the signature and original raised seal of a Florida Licensed Surveyor and Mapper.

Underground utilities and improvements were not located, unless shown herein.



16 EAST FLORIDA STREET
MIAMI GARDEN, FLORIDA 33167
(407) 654-5352 / (407) 654-5349 FAX

BOUNDARY SURVEY
OF
ALOMA SITE
SECTION 36, TOWNSHIP 21 SOUTH, RANGE 30 EAST
SEMINOLE COUNTY, FLORIDA

FOR:
ALOMA DEVELOPMENT, LLC
225 W. PARK AVENUE
MIAMI, FL 33136

DATE: 11/8/2000
BY: [Signature]
CHECKED BY: [Signature]

DATE: 11/8/2000
BY: [Signature]
CHECKED BY: [Signature]

SHEET 1 OF 1

STATE ROAD 426 (ALOMA AVENUE)
 NORTH OF WAY NORTH LANE



16 EAST FLORIDA STREET
 WINTER GARDEN, FLORIDA 32787
 (807) 644-5555 / (407) 654-5554 FAX

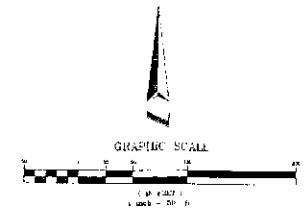
TOPOGRAPHIC SURVEY
 OF
 ALOMA SITE
 SECTION 36, TOWNSHIP 21 SOUTH, RANGE 30 EAST
 SEMINOLE COUNTY, FLORIDA

FOR:
 ALOMA DEVELOPMENT, LLC
 2200 W. 1ST AVENUE, SUITE 210
 WINTER GARDEN, FL 32787

PREPARED BY: ALLEN & COMPANY
 DATE: 11/14/2001

NO.	REVISIONS	DATE
1	1	11/14/2001
2	2	11/14/2001
3	3	11/14/2001
4	4	11/14/2001
5	5	11/14/2001
6	6	11/14/2001
7	7	11/14/2001
8	8	11/14/2001
9	9	11/14/2001
10	10	11/14/2001

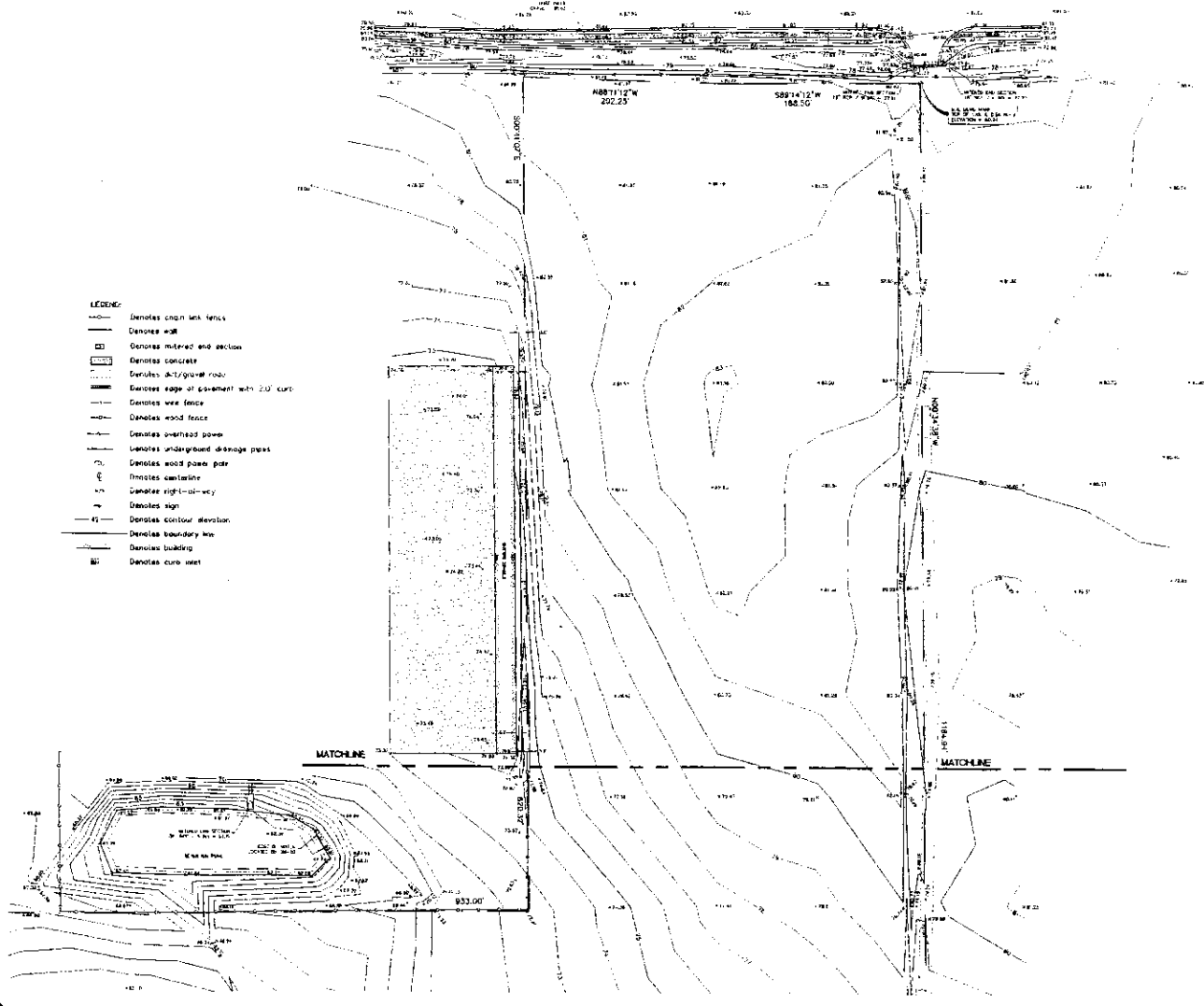
SHEET 1 OF 2

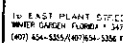
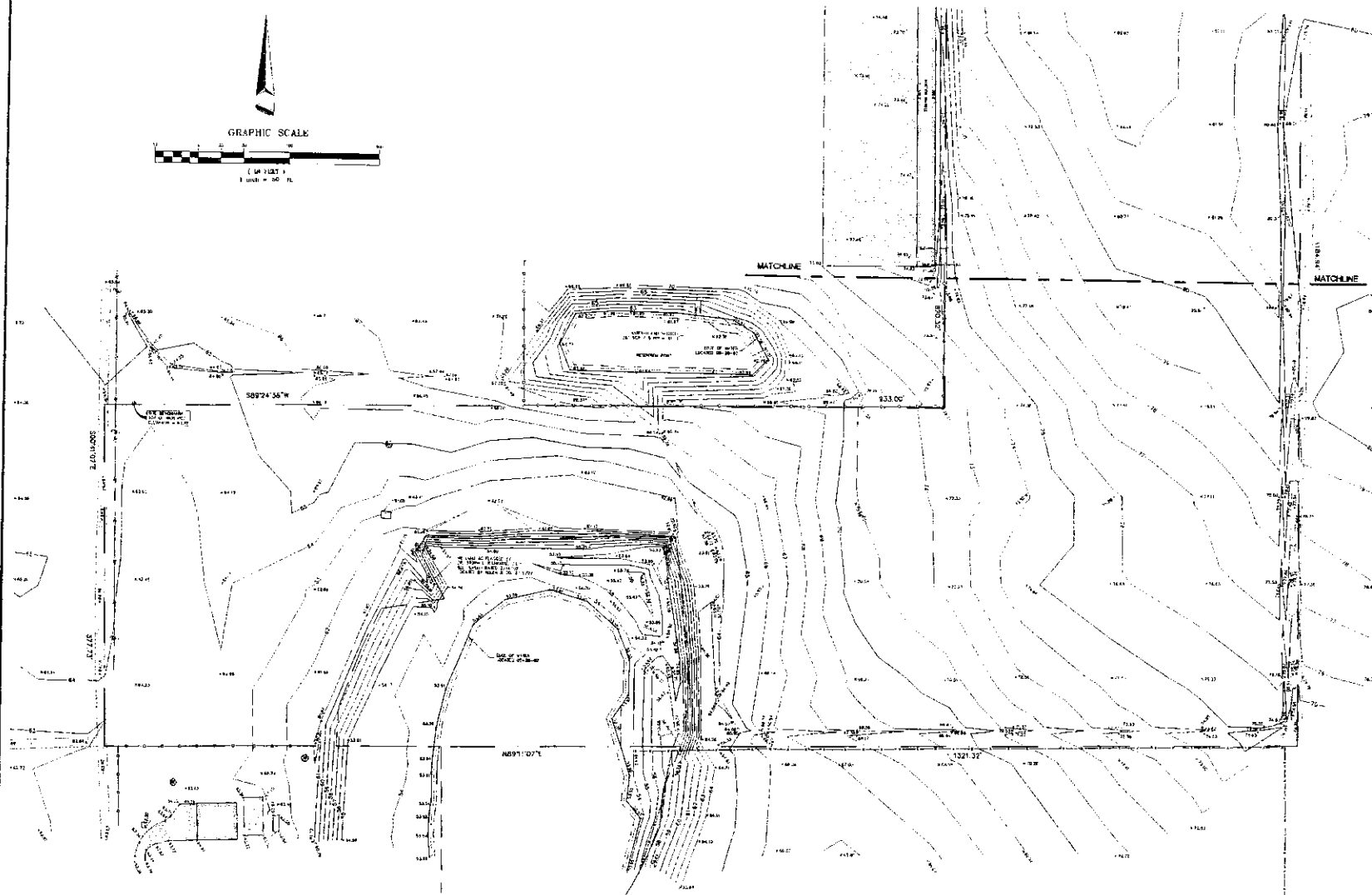


- LEGEND:**
- Denotes chain link fence
 - Denotes wall
 - Denotes mitered end section
 - Denotes concrete
 - Denotes asphalt road
 - Denotes edge of pavement with 20' curb
 - Denotes wire fence
 - Denotes wood fence
 - Denotes overhead power
 - Denotes underground drainage pipe
 - Denotes wood pole pole
 - Denotes centerline
 - Denotes right-of-way
 - Denotes sign
 - Denotes contour elevation
 - Denotes boundary line
 - Denotes building
 - Denotes curb street

NOTES

This is not a boundary survey.
 For boundary information refer to Allen & Co's Boundary Survey dated 12-12-01.
 Easements shown herein are assumed per the North line of the Southwest 1/4 of Section 36-21-30 being shown 89' 24' 38" East.
 Legal descriptions shown herein was provided by the client.
 There may be easements and restrictions of record and/or other matters regulated by various Departments of Federal, State or Local Governments affecting the subject property not shown on this survey.
 The Survey was performed with the benefit of Title Commitment Number 17 057810 issued by Allstate's Title Insurance Fund, Inc., effective date 11/14/2001.
 There may be environmental issues and/or other matters regulated by various Departments of Federal, State or Local Governments affecting the subject property not shown on this survey.
 Subject property shown herein is in Zones A and AC according to Flood Insurance Rate Map panel number 120759 0621C 1, map date April 17, 1985.
 This Survey was performed for the use and exclusive benefit of the client listed herein and shall not be relied upon by any other entity or individual whatsoever.
 This Survey is not valid without the signature and original raised seal of a Florida Licensed Surveyor and Mapper.
 Underground utilities and improvements were not located, unless shown herein.
 Elevations are based on Seminole County benchmark # 3123801, published elevation 36.233.





TOPOGRAPHIC SURVEY
OF
ALOMA SITE
SECTION 36, TOWNSHIP 21 SOUTH, RANGE 30 EAST
COUNTY OF ALABAMA, DECEMBER, 1904.

FOR: **ALLOMA DEVELOPMENT, LLC**

[illegible]

PUBLIC SAFETY FIRE LOSS NOTES

1. FIRE HYDRANTS SHALL BE CONNECTED TO A MINIMUM 8" WATER MAINLINE. (LDC 3.3)
2. A FIRE FLOW TEST SHALL BE CONDUCTED ON ALL FIRE HYDRANTS. (LDC 3.3)
3. FIRE LOCATION OF FIRE HYDRANTS SHALL BE IDENTIFIED BY A BLUE REFLECTIVE MARKER. (LDC 3.5)
4. A 30' X 18' FIRE LANE SHALL BE PROVIDED ADJACENT TO THE MAIN ENTRANCE OF EACH STRUCTURE. (LDC 3.4)
5. A 30' WIDE BY 20' DEEP FIRE LANE SHALL BE PROVIDED ADJACENT TO THE MAIN ENTRANCE OF EACH STRUCTURE. (LDC 3.4)
6. WHERE HYDRANTS ARE LOCATED IN PARKING LOTS OR TRAFFIC ISLANDS, THE FIRE LANE SHALL EXTEND AROUND THE HYDRANTS SO THAT NO CONNECTIONS COULD BE BLOCKED BY PARKED VEHICLES. (LDC 3.4)
7. FIRE LANE SIGNS AND SURFACE MARKINGS SHALL READ "NO PARKING OR STANDING FIRE LANE." (LDC 3.5)
8. FIRE HYDRANTS SHALL BE LOCATED WITHIN 500 FEET VIA THE ROADWAY TO THE CENTER OF THE BUILDINGS.

SANITARY SYMBOL LEGEND

- SAN SEWER LINE
- DOUBLE SERVICE LATERAL
- SINGLE SERVICE LATERAL
- SANITARY MANHOLE
- CLEANOUT
- SEWER MAIN IN CONC ENCASUREMENT
- LIFT STATION
- FORCE MAIN

WATER SYMBOL LEGEND

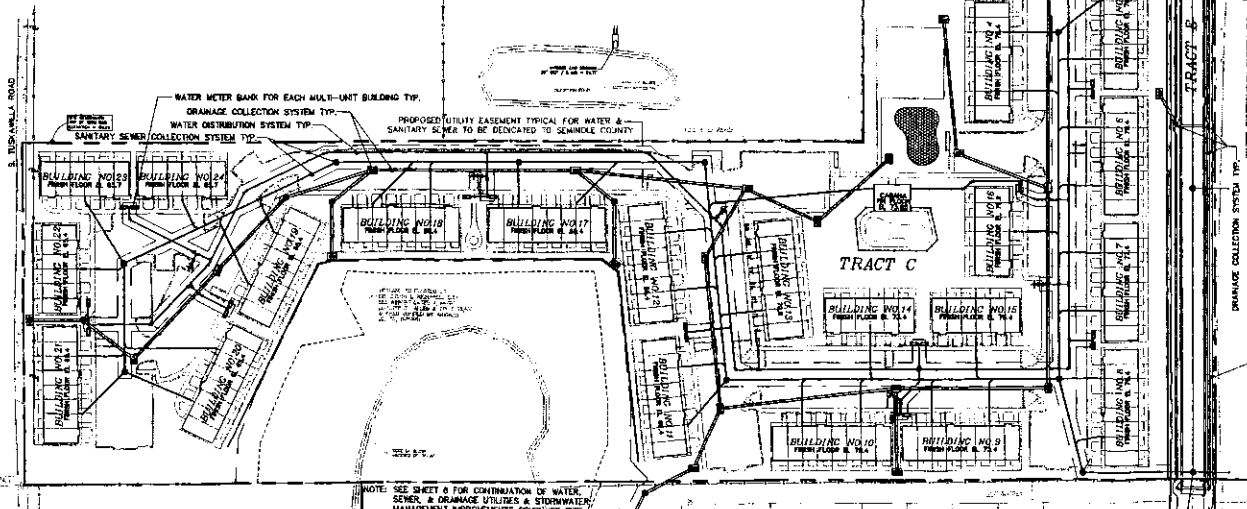
- WATER LINE
- FIRE HYDRANT ASSEMBLY
- BLURF
- VALVE AND C-VALVE BOX
- REDUCER
- DOUBLE WATER SERVICE 1/2" METER
- SINGLE SERVICE 1/2" METER

STORM SEWER SYMBOL LEGEND

- STORM SEWER LINE
- STORM MANHOLE
- OUTFALL STRUCTURE
- PILET
- U-TYPE DOWNHILL 1/2" MANHOLE
- INTERIOR AND SECTION
- CURB RAILS
- EXISTING SPOT ELEVATION
- PROPOSED SPOT ELEVATION
- EXISTING TOP OF CURB
- PROPOSED TOP OF CURB

LEGEND:

- 10' Diameter utility pole
- Concrete guy wire anchor
- Concrete telephone man
- Concrete manhole (12' dia)
- Concrete well
- Concrete 24" dia pipe with top of 12' dia manhole (12' dia)
- Concrete manhole structure
- Concrete manhole structure and manhole



COMPOSITE UTILITY PLAN

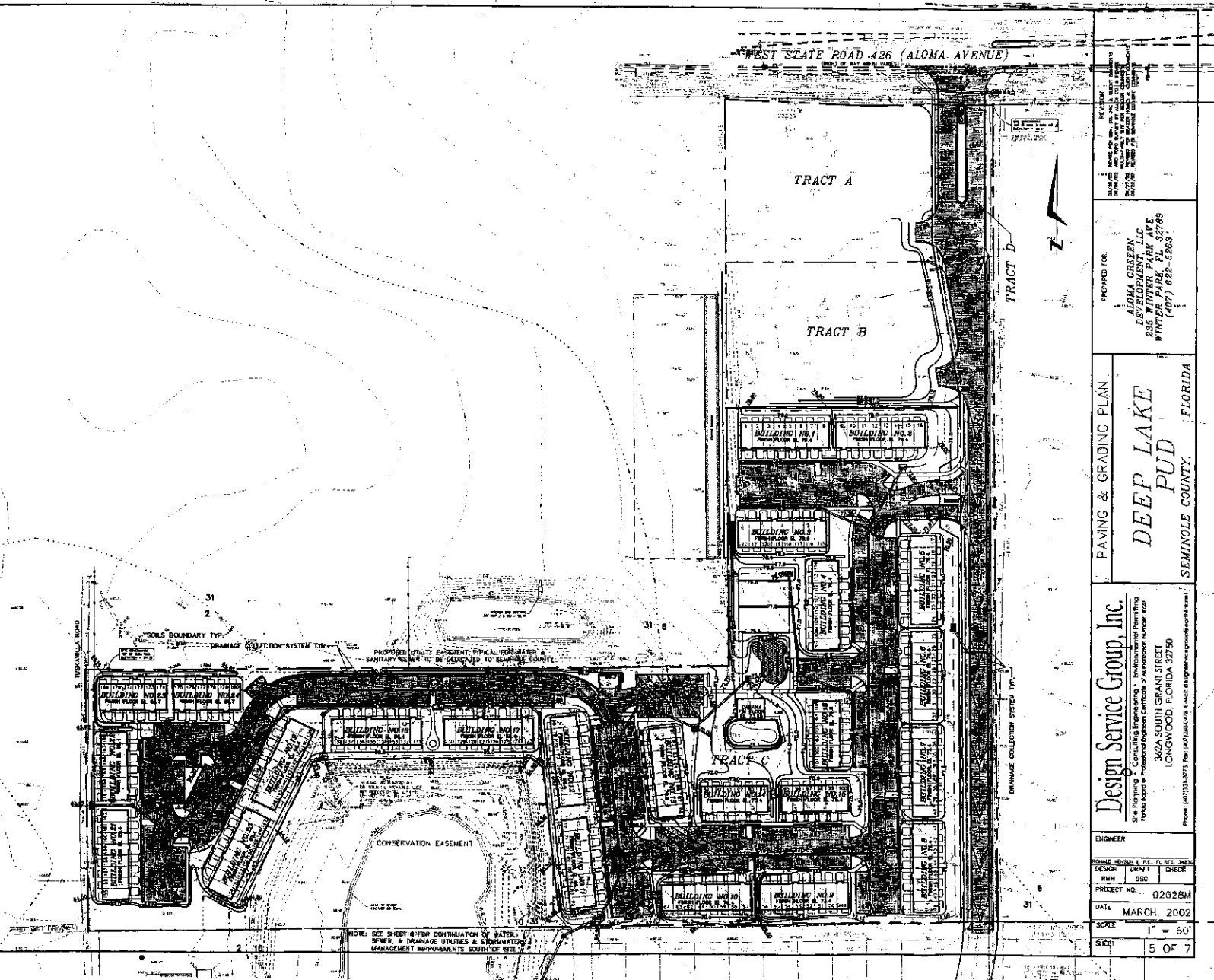
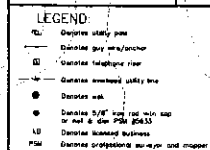
DEEP LAKE PUD
SEMINOLE COUNTY, FLORIDA

Design Service Group, Inc.
Site Planning • Consulting Engineering • Environmental Planning
Florida Board of Professional Engineers Certificate of Authorization Number 420
3624 SOUTH GRANT STREET
LONGWOOD, FLORIDA 32750
Phone: (407) 533-3373 Fax: (407) 533-3374 Email: dsgrainc@aol.com

ENGINEER

DESIGN	DATE	PROJECT NO.	DATE	SCALE	SHEET
DSG	02/28/01	02028M	MARCH, 2002	1" = 60'	4 OF 7

18' x 24" x 1/4" (1/4" x 1/4" x 1/4")



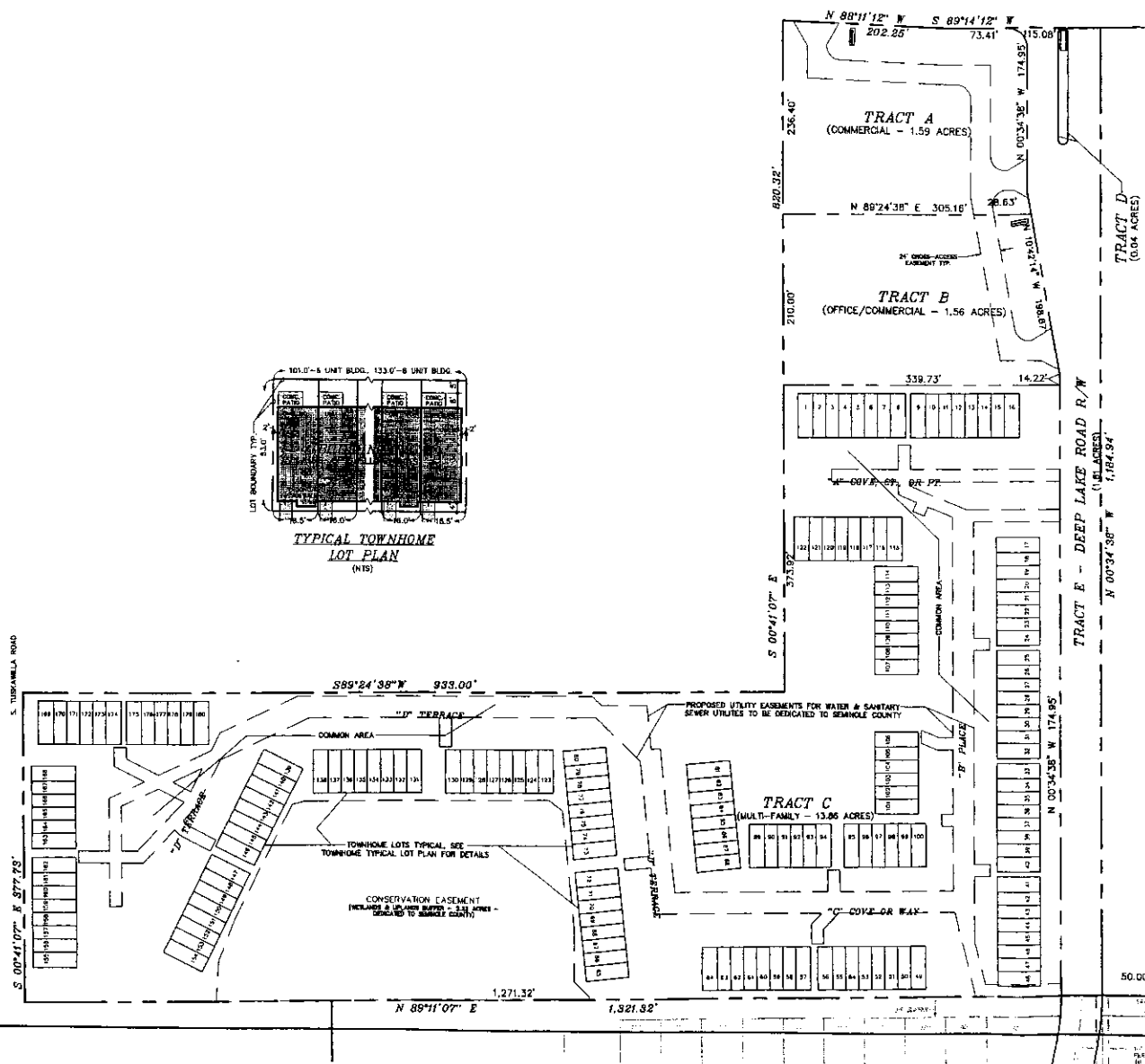
(WEIGHT OF PLAT WIDTH VARIATION)

ALOMA GREEN
DEVELOPMENT, LLC
235 WINTER PARK AVE.
WINTER PARK, FL 32789
(407) 622-5263

Design Service Group, Inc.
Site Planning • Consulting Engineering • Environmental Farming
Nevada Board of Professional Engineers Certificate of Authorization Number: 4223
362A SOUTH GRANT STREET
LONGWOOD, FLORIDA 32750
Phone: (407)321-3773 Fax: (407)321-0078 E-mail: design@designservice.net

ENGINEER		
MURFORD HANSON & SONS, INC. REG. 34836		
DESIGN	DRAFT	CHECK
RMH	DSG	
PROJECT NO. 02028M		
DATE MARCH, 2002		
SCALE 1" = 60'		
SHEET		7 OF 7

TYPICAL TOWNHOME
LOT PLAN
(NTS)



DEEP LAKE PUD

REQUEST INFORMATION		
APPLICANT	Harvey Slayton and Susan Irelan	
PROPERTY OWNER	Harvey Slayton and Susan Irelan	
REQUEST	Major Revision to PUD Preliminary Master Plan	
HEARING DATE (S)	P&Z: Sept. 4, 2002	BCC: Sept. 24, 2002
SEC/TWP/RNG	36-21-30	
LOCATION	South side of SR 426, west side of Deep Lake Road	
FUTURE LAND USE	Higher Intensity Planned Development - Transitional	
FILE NUMBER	Z2002-008	
COMMISSION DISTRICT	District 1 (Maloy)	

OVERVIEW

Zoning Request: The applicant is proposing a substantial revision to the Preliminary Master Plan approved for Deep Lake PUD in April 2002. Proposed changes raise significant issues related to traffic access. The plan approved at that time consisted of three lots for commercial and/or office use, totaling approximately 4 acres, and a fourth lot for townhouse development. On this lot, the preliminary plan submitted for review illustrated 65 residential units on 11 acres, for an overall density of 5.9 units per acre.

As a condition of approval, the Board of County Commissioners directed the applicant to make a "good faith effort" to negotiate an agreement with the neighboring property owner to the east for shared access to SR 426. Failing that, the applicant was to relocate the project access road to the west property line. Traffic safety was a major concern, and the BCC's intention was that Deep Lake make use of an FDOT-approved future intersection on the adjoining Clayton property or, alternatively, provide a separate access at a safe distance to the west.

As it is currently being proposed, the plan shows the entrance road adjacent to the applicant's east property line. The applicant reports that no progress has been made toward a shared-access agreement with the Claytons. In light of this, the applicant is seeking relief from this condition of approval.

The staff supports the original decision of the Board, unless the applicant can demonstrate that the proposed access will function in harmony with the Clayton access. A 1993 court decision established the location of this future intersection on the Clayton property, and it is not subject to being easily moved at this time. The Staff foresees a traffic conflict and circulation problem with the Deep Lake entrance situated as shown on the revised plan.

A total of 180 dwelling units, at a density of 13 units per gross and 17+ units per net buildable acre, is now being proposed. While the density presented in the new plan is an increase over the previous submittal, the underlying future land use designation of HIP supports a maximum of 20 dwelling units per acre. The proposed density of Deep Lake is comparable to that of Trinity Retail Center, adjoining to the west and north, and approved in March 2002 at a density of 10.5 units per acre.

Additional changes to Deep Lake include a reduction in dwelling unit size, elimination of garages, and exchange of a tennis court for a general purpose "sport court." Also, landscaped retention areas have been removed. (Retention for the site is now proposed to be located on the South Tuskawilla project to the south, a single family development being proposed by the same applicant. This is allowable with appropriate easements and agreements tying the two developments together for stormwater management purposes.)

Existing Land Uses: The existing zoning designations and land uses are as follows:

	Existing Zoning	Future Land Use
North	PUD, PCD	Higher Intensity Planned Development and Low Density Residential
South	A-1 (approved for PUD)	Low Density Residential
East	A-1	Higher Intensity Planned Development
West	PUD, PCD	Higher Intensity Planned Development

For more detailed information regarding zoning and land use, please refer to the attached map.

SITE ANALYSIS

Facilities and Services:

1. Adequate facilities and services must be available concurrent with the impacts of development. If required by the concurrency review, additional facilities and services will be identified.
2. The proposed zoning is consistent with the adopted future land use designation assigned to the property, and does not alter the options or long range strategies for facility improvements or capacity additions included in the Support Documentation to the Seminole County Comprehensive Plan.
3. Water and sewer service are being provided by Seminole County.

Compliance with Environmental Regulations: The project must comply with the requirements of the W-1 Wetlands Overlay District. An undisturbed wetland buffer averaging 25' and not less than 15' is required landward of the wetland limits.

Compatibility with surrounding development: Currently, the surrounding properties have Low Density Residential and Higher Intensity Planned Development land use designations. The approved Planned Unit Development, together with proposed changes, is compatible with adjacent land use designations.

STAFF RECOMMENDATION

Staff cannot recommend the proposed access plan at this time. In other respects, the revisions being proposed at this time are consistent with the future land use designation of the Vision 2020 Plan, and compatible with surrounding land uses. Subject to compliance with Code requirements related to open space, drainage and other development standards, the proposed alterations to the Preliminary Master Plan are reasonable and appropriate to the area.

Staff recommends APPROVAL of the requested modifications to the Preliminary Master Plan, subject to the following:

1. Access to the development shall be provided to and from SR 426 by means of an entrance road following the west property line of the subject site. In the event of an agreement with the neighboring property owner to the east, there shall be shared access through the FDOT-approved intersection and the west entrance shall be removed.
2. Residential density shall not exceed 20 units per net buildable acre, as defined in the Seminole County Land Development Code.
3. Landscaping and lighting shall be consistent with the standards of the Lake Mary Boulevard Overlay Ordinance.
4. There shall be a 40-foot setback provided adjacent to Mr. Saliga's property to the south.
5. The county's open space requirements shall be met for the entire PUD at 30 percent. Individual lots for the proposed development shall provide at least 25 percent open space.
6. Prior to Final Engineering Approval, the Owner and County staff shall assess the feasibility of utilizing traffic-calming devices along Deep Lake Road.
7. The owner shall install hedges on the east side of Tuskawilla Road where it abuts the project.
8. Within the buffer between townhomes and South Tuskawilla Road, the Owner shall install four 3" caliper oak trees per 100 lineal feet, and understory trees at 10 foot intervals.
9. The commercial/office portion of the PUD is approved for permitted and special exception uses within the C-2 zoning district, with the exception of off-site signage (billboards), mechanical garages, paint and body shops, contractor's equipment storage yard, drive-in theaters, and adult entertainment establishments.
10. The Owner shall provide recreational amenities as shown on the Preliminary PUD Master Plan.

SEMINOLE COUNTY DEVELOPMENT ORDER

On September 24, 2002, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEGAL DESCRIPTION ATTACHED AS EXHIBIT A

(The aforescribed legal description has been provided to Seminole County by the owner of the aforescribed property.)

FINDINGS OF FACT

Property Owner: SUSAN S IRELAN, PO BOX 620514, OVIEDO, FL, 32762; HARVEY SLAYTON, PO BOX 620514, OVIEDO, FL 32762

Project Name: DEEP LAKE PUD

Requested Development Approval: MAJOR REVISION TO PUD PRELIMINARY MASTER PLAN

The Development Approval sought is consistent with the Seminole County Comprehensive Plan and will be developed consistent with and in compliance to applicable land development regulations and all other applicable regulations and ordinances.

The owner of the property has expressly agreed to be bound by and subject to the development conditions and commitments stated below and has covenanted and agreed to have such conditions and commitments run with, follow and perpetually burden the aforescribed property.

Prepared by: Jeff Hopper
1101 East First Street
Sanford, Florida 32771

Order

NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:

- (1) The aforementioned application for development approval is **GRANTED**.
- (2) All development shall fully comply with all of the codes and ordinances in effect in Seminole County at the time of issuance of permits including all impact fee ordinances.
- (3) The conditions upon this development approval and the commitments made as to this development approval, all of which have been accepted by and agreed to by the owner of the property are as follows:
 - (A) Access to the development shall be provided to and from SR 426 by means of an entrance road following the west property line of the subject site. In the event of an agreement with the neighboring property owner to the east, there shall be shared access through the FDOT-approved intersection and the west entrance shall be removed.
 - (B) Residential density shall not exceed 20 units per net buildable acre, as defined in the Seminole County Land Development Code.
 - (C) Landscaping and lighting shall be consistent with the standards of the Lake Mary Boulevard Overlay Ordinance.
 - (D) There shall be a 40-foot setback provided adjacent to Mr. Saliga's property to the south.
 - (E) The county's open space requirements shall be met for the entire PUD at 30 percent. Individual lots for the proposed development shall provide at least 25 percent open space.
 - (F) Prior to Final Engineering Approval, the Owner and County staff shall assess the feasibility of utilizing traffic-calming devices along Deep Lake Road.
 - (G) The owner shall install hedges on the east side of Tuskawilla Road where it abuts the project.
 - (H) Within the buffer between townhomes and South Tuskawilla Road, the Owner shall install four 3" caliper oak trees per 100 linear feet, and understory trees at 10 foot intervals.
 - (I) The commercial/office portion of the PUD is approved for permitted and special exception uses within the C-2 zoning district, with the exception of off-site signage (billboards), mechanical garages, paint and body shops, contractor's equipment storage yard, drive-in theaters, and adult entertainment establishments.
 - (J) The Owner shall provide recreational amenities as shown on the Preliminary PUD Master Plan.

(4) This Development Order touches and concerns the aforescribed property and the conditions, commitments and provisions of this Development Order shall perpetually burden, run with and follow the said property and be a servitude upon and binding upon said property unless released in whole or part by action of Seminole County by virtue of a document of equal dignity herewith. The owner of the said property has expressly covenanted and agreed to this provision and all other terms and provisions of this Development Order.

(5) The terms and provisions of this Order are not severable and in the event any portion of this Order shall be found to be invalid or illegal then the entire order shall be null and void.

Done and Ordered on the date first above.

By: _____
Daryl G. McLain, Chairman
Board of County Commissioners

Order**OWNER'S CONSENT AND COVENANT**

COMES NOW, Susan Irelan, the owner of the aforescribed property in this Development Order, on behalf of herself and her heirs, successors, assigns or transferees of any nature whatsoever and consents to, agrees with and covenants to perform and fully abide by the provisions, terms, conditions and commitments set forth in this Development Order.

Witness

SUSAN S. IRELAN

Print Name

Witness

Print Name

STATE OF FLORIDA)

COUNTY OF SEMINOLE)

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared Susan S. Irelan who is personally known to me or who has produced _____ as identification and who did execute the foregoing instrument.

WITNESS my hand and official seal in the County and State last aforesaid this _____ day of _____, 2002.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires:

Order**OWNER'S CONSENT AND COVENANT**

COMES NOW, Harvey Slayton, the owner of the aforescribed property in this Development Order, on behalf of himself and his heirs, successors, assigns or transferees of any nature whatsoever and consents to, agrees with and covenants to perform and fully abide by the provisions, terms, conditions and commitments set forth in this Development Order.

Witness

HARVEY SLAYTON

Print Name

Witness

Print Name

STATE OF FLORIDA)

COUNTY OF SEMINOLE)

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared Harvey Slayton who is personally known to me or who has produced _____ as identification and who did execute the foregoing instrument.

WITNESS my hand and official seal in the County and State last aforesaid this _____ day of _____, 2002.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires:

EXHIBIT A

LEGAL DESCRIPTION

The Northeast Quarter of the Southeast Quarter of Section 36, Township 21 South, Range 30 East, Seminole County, Florida, less and Except the Following two parcels of land:

The West 155.5 yards (466.50 feet) of the West 311 yards (933.00 feet) of the North 311 yards (933.00 feet) of the Northeast Quarter of the Southeast Quarter of Section 36, Township 21 South, Range 30 East, Seminole County, Florida.

AND

The East 155.5 yards (466.50 feet) of the West 311 yards (933.00 feet) of the North 311 yards (933.00 feet) of the Northeast Quarter of the Southeast Quarter of Section 36, Township 21 South, Range 30 East, Seminole County, Florida.

Further less and except that part taken by Seminole County Expressway Authority by Stipulated Final Judgment recorded February 16, 1993, in Official Records Book 2545, Page 1319, Public Records of Seminole County, Florida, described as:

That part of the Southeast 1/4 of Section 36, Township 21 South, Range 30 East, Seminole County, Florida, being more particularly described as follows:

Commence at the Northeast corner of the Southeast 1/4 of said Section 36; thence run South 00°34'41" East along the East line of said Southeast 1/4 a distance of 25.59 feet for a POINT OF BEGINNING; said point being on the South right of way line of State Road 426 (Aloma Avenue) as shown on State Road Right of Way Map Section 770060-2501, said point also being 25.00 feet South of, when measured perpendicularly from the centerline of S.R. 426; thence continue South 00°34'41" East a distance of 95.01 feet; thence departing said East line of the Southeast 1/4 run South 89°14'17" West a distance of 188.50 feet; thence run North 88°11'07" West a distance of 202.18 feet to a point on a line 933.00 feet east of, when measured perpendicularly from the West line of the Northeast 1/4 of the Southeast 1/4 of said Section 36; thence run North 00°41'00" West parallel with said West line a distance of 85.91 feet to the aforementioned South right of way line; thence North 89°14'17" East along said right of way line a distance of 390.67 feet to the POINT OF BEGINNING.